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EXAMINER	
SHEPARD, JUSTIN E	
ART UNIT	**PAPER NUMBER**
2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/940,181	ALLEN ET AL.	
	Examiner	Art Unit	
	Justin E. Shepard	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 December 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,9-17 and 19-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,9-17 and 19-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skarbo in view of Bruno in view of Redd in view of Caviedes.

Referring to claim 1, Skarbo discloses a method in an interactive system for automatically answering and recording video calls, the method comprising:

detecting a request to establish video communication between a caller and a user of the interactive television system (column 3, lines 9-13 and 62-67; figure 2);

identifying the caller from information contained within the request (figure 2);

notifying the user concerning the identity of the caller (figure 2);

in response to the user rejecting the request or not accepting the request within an established time interval (column 4, lines 40-48; column 5, lines 29-34):

sending a pre-recorded video greeting to the caller (column 4, lines 40-48); and

recording an incoming video signal received from the caller (column 4, lines 24-27); and

establishing two-way communication between the user and the caller in response to a user command, the two-way communication comprising the incoming video signal and an outgoing video signal (figure 3).

Skarbo does not disclose a system that while the incoming signal continues to be recorded, establishing two-way communication between the user and the caller; and

that without user intervention, recording the outgoing video signal along with the incoming video signal; and

wherein the interactive system is an interactive television system.

In an analogous art, Bruno teaches a system recording the outgoing video signal along with the incoming video signal (column 6, lines 13-31).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the message archiving taught by Bruno to the system disclosed by Skarbo. The motivation would have been to create a more complete archive of the conversation than the archive created by Skarbo (column 19, lines 1-8).

Skarbo and Bruno do not disclose a system that while the incoming signal continues to be recorded, establishing two-way communication between the user and the caller; and

that without user intervention, recording the outgoing signal along with the incoming signal; and

wherein the interactive system is an interactive television system.

In an analogous art, Redd teaches a system that while the incoming signal continues to be recorded, establishing two-way communication between the user and the caller; and

that without user intervention, recording the outgoing signal along with the incoming signal (column 2, lines 52-54).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the automatic recording taught by Redd to the system disclosed by Skarbo and Bruno. The motivation would have been to make it easier for the user to keep a record of their conversations if they would latter needed to be recalled for a business related reason.

Skarbo, Bruno and Redd do not disclose a system wherein the interactive system is an interactive television system.

In an analogous art, Caviedes teaches a system wherein the interactive system is an interactive television system (column 5, lines 38-41).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the interactive television taught by Caviedes to the system disclosed by Skarbo. The motivation would have been that Skarbo teaches the idea of displaying alternative media on the client devices, of which the users can discuss (column 3, lines 62-67).

Claim 29 is rejected on the same grounds as claim 1.

1. Claims 2, 3, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skarbo, Bruno, Redd and Caviedes as applied to the claims above, and further in view of Fujimori.

Referring to claim 2, Skarbo, Bruno, Redd and Caviedes do not disclose a method of claim 1, wherein identifying comprises: extracting an identifier of the caller from the request.

In an analogous art, Fujimori teaches a method of claim 1, wherein identifying comprises: extracting an identifier of the caller from the request (column 14, lines 63-65; figure 9).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the caller id extraction taught by Fujimori to the method disclosed by Skarbo, Bruno, Redd and Caviedes. The motivation would have been that the caller id is being sent and displayed by the client device (Skarbo: figure 2), and Fujimori teaches a data structure already in use that would save on development costs.

Claim 16 is rejected on the same grounds as claim 2.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skarbo, Bruno, Redd and Caviedes as applied to the claims above, and further in view of Hijikata.

Referring to claim 4, Skarbo, Bruno, Redd and Caviedes do not disclose a method of claim 1, wherein the request comprises the incoming video signal generated by a video camera associated with the caller, and wherein notifying comprises:

displaying the incoming video signal on a display device of the interactive television system.

In an analogous art, Hijikata teaches a method of claim 1, wherein the request comprises the incoming video signal generated by a video camera associated with the caller, and wherein notifying comprises: displaying the incoming video signal on a display device of the interactive television system (column 16, lines 51-67).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the video identification taught by Hijikata to the system disclosed by Skarbo, Bruno, Redd and Caviedes. The motivation would have been to enable the callee to identify the caller even when the caller is using a phone number that is used by multiple people.

Referring to claim 5, Skarbo, Bruno and Redd do not disclose a method of claim 4, wherein displaying comprises: displaying the video signal in a Picture-in-Picture (PIP) window on the display device.

In an analogous art, Caviedes teaches a method of claim 4, wherein displaying comprises: displaying the video signal in a Picture-in-Picture (PIP) window on the display device (column 5, lines 38-41).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add PIP taught by Caviedes to the system disclosed by Skarbo, Bruno and Redd. The motivation would have been that Skarbo teaches the idea of displaying

alternative media on the client devices, of which the users can discuss (column 3, lines 62-67).

2. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skarbo, Bruno, Redd and Caviedes as applied to the claims above, and further in view of Brunelle.

. Referring to claim 9, Skarbo, Bruno, Redd and Caviedes do not disclose a method of claim 6, further comprising: buffering a television signal being currently displayed by the interactive television system.

In an analogous art, Brunelle teaches a method of claim 6, further comprising: buffering a television signal being currently displayed by the interactive television system (column 3, lines 10-15; column 3, line 55-column 4, line 4).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the television buffering taught by Brunelle to the method disclosed by Skarbo, Bruno, Redd and Caviedes. The motivation would have been to enable the user to not miss any portion of the currently watched television program even when a phone call interrupts it.

Referring to claim 10, Skarbo, Bruno, Redd, Caviedes, and Brunelle do not disclose a method of claim 9, wherein buffering comprises: encoding the television broadcast; and storing the encoded television broadcast in a storage device.

The examiner takes Official Notice that it would have been notoriously well known in the art that a digital television recording device encodes the data to be recorded.

At the time of the invention it would have been obvious for one of ordinary skill in the art to add television encoding to the method disclosed by Skarbo, Bruno, Redd, Caviedes and Brunelle. The motivation would have been to enable an encoder with variable bit rates to be used to enable the device to change the amount of data to be recorded on the device.

Referring to claim 11, Skarbo, Bruno, Redd and Caviedes do not disclose a method of claim 9, further comprising: in response to the two-way video communication being terminated, playing back the television signal being buffered from a point in time at which the two-way video communication was established.

In an analogous art, Brunelle teaches a method of claim 9, further comprising: in response to the two-way video communication being terminated, playing back the television signal being buffered from a point in time at which the two-way video communication was established (column 3, lines 10-15; column 3, line 55-column 4, line 4).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the television buffering taught by Brunelle to the method disclosed by Skarbo, Bruno, Redd and Caviedes. The motivation would have been to enable the

user to not miss any portion of the currently watched television program even when a phone call interrupts it.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Skarbo, Bruno, Redd and Caviedes as applied to claim 1 above, and further in view of Irvin.

Referring to claim 12, Skarbo, Bruno, Redd and Caviedes do not disclose a method of claim 1, wherein the pre-recorded video greeting is caller-specific.

In an analogous art, Irvin teaches a method of claim 1, wherein the pre-recorded video greeting is caller-specific (figure 2, parts 225 and 230).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the caller specific greeting taught by Irvin to the method disclosed by Skarbo, Bruno, Redd and Caviedes. The motivation would have been to enable multiple greetings for different situations depending the person calling (Skarbo: column 5, lines 29-34).

Claims 13 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skarbo in view of Caviedes in view of Irvin in view of Macklin.

Referring to claim 13, Skarbo discloses a method in an interactive system for automatically answering and recording video calls, the method comprising:

detecting a request to establish video communication between a caller and a user of the interactive television (column 3, lines 9-13 and 62-67; figure 2);

identifying the caller from information contained within the request (figure 2); and

automatically sending a pre-recorded video greeting to the caller (column 4, lines 40-48; column 5, lines 29-34); and automatically recording a video message comprising a video signal received from the caller (column 4, lines 24-27).

Skarbo does not disclose a system wherein the interactive system is an interactive television system; and

with a method for determining whether the caller is identified within an auto-answer list and sending a greeting in response to the caller being included within the auto-answer list; and

wherein the caller is identified by a network address.

In an analogous art, Caviedes teaches a system wherein the interactive system is an interactive television system (column 5, lines 38-41).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the interactive television taught by Caviedes to the system disclosed by Skarbo. The motivation would have been that Skarbo teaches the idea of displaying alternative media on the client devices, of which the users can discuss (column 3, lines 62-67).

Skarbo and Caviedes do not disclose a system for determining whether the caller is identified within an auto-answer list and sending a greeting in response to the caller being included within the auto-answer list; and

wherein the caller is identified by a network address.

In an analogous art, Irvin teaches a system for determining whether the caller is identified within an auto-answer list and sending a greeting in response to the caller being included within the auto-answer list (figure 2, parts 225 and 230).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the caller specific greeting taught by Irvin to the method disclosed by Skarbo and Caviedes. The motivation would have been to enable multiple greetings for different situations depending the person calling (Skarbo: column 5, lines 29-34).

Skarbo, Caviedes and Irvin do not disclose a system wherein the caller is identified by a network address.

In an analogous art, Macklin teaches a system wherein the caller is identified by a network address (figure 1(a), part 4; column 4, lines 4-11).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the network address id taught by Macklin to the system disclosed by Skarbo, Caviedes and Irvin. The motivation would have been to enable the system to work AV chat systems such as Apple's iChat.

Claim 27 is rejected on the same grounds as claim 13.

Claims 14 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skarbo in view of Caviedes in view of Brunelle in view of Hijikata.

Referring to claim 14, Skarbo discloses a method in an interactive system for automatically answering and recording video calls, the method comprising:

detecting a request to establish video communication between a caller and a user of the interactive system (column 3, lines 9-13 and 62-67; figure 2);

identifying the caller from information contained within the request (figure 2);

notifying the user concerning the identity of the caller (figure 2); and

in response to the user rejecting the request or not accepting the request within an established time interval (column 4, lines 40-48; column 5, lines 29-34):

sending a pre-recorded video greeting to the caller (column 4, lines 40-48);

recording a video message comprising the video signal received from the caller (column 4, lines 40-48);

while the video message is being recorded, establishing two-way video communication between the user and the caller in response to a user command (figure 3).

Skarbo does not disclose a system wherein the interactive system is an interactive television system; and

wherein the request comprising a video signal generated by a video camera associated with the caller, wherein notifying comprises displaying the video signal received from the caller on a display device of the interactive television; and

buffering a television signal being displayed by the interactive television system; and

in response to the two-way video communication being terminated, playing back the television signal being buffered from a point in time at which the two-way video communication was established.

In an analogous art, Caviedes teaches a system wherein the interactive system is an interactive television system (column 5, lines 38-41).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the interactive television taught by Caviedes to the system disclosed by Skarbo. The motivation would have been that Skarbo teaches the idea of displaying alternative media on the client devices, of which the users can discuss (column 3, lines 62-67).

Skarbo and Caviedes do not disclose a system wherein the request comprising a video signal generated by a video camera associated with the caller, wherein notifying comprises displaying the video signal received from the caller on a display device of the interactive television; and

buffering a television signal being displayed by the interactive television system; and

in response to the two-way video communication being terminated, playing back the television signal being buffered from a point in time at which the two-way video communication was established.

In an analogous art, Brunelle teaches a system for buffering a television signal being displayed by the interactive television system; and

in response to the two-way video communication being terminated, playing back the television signal being buffered from a point in time at which the two-way video communication was established (column 3, lines 10-15; column 3, line 55-column 4, line 4).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the television buffering taught by Brunelle to the method disclosed by Skarbo and Caviedes. The motivation would have been to enable the user to not miss any portion of the currently watched television program even when a phone call interrupts it.

Skarbo, Caviedes and Brunelle do not disclose a system wherein the request comprising a video signal generated by a video camera associated with the caller, wherein notifying comprises displaying the video signal received from the caller on a display device of the interactive television.

In an analogous art, Hijikata teaches a system wherein the request comprising a video signal generated by a video camera associated with the caller, wherein notifying comprises displaying the video signal received from the caller on a display device of the interactive television (column 16, lines 51-67).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the video identification taught by Hijikata to the system disclosed by Skarbo, Bruno, Redd and Caviedes. The motivation would have been to enable the callee to identify the caller even when the caller is using a phone number that is used by multiple people.

Claim 28 is rejected on the same grounds as claim 14.

Claims 15, 16, 19, 20, 21, 22, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skarbo in view of Hijikata in view of Caviedes.

Referring to claim 15, Skarbo discloses a system for automatically answering and recording video calls, the system comprising:

a detection component configured to detect a request to establish video communication between a caller and a user of the interactive system (column 3, lines 9-13 and 62-67; figure 2),

an identification component configured to identify the caller from information contained within the request (figure 2);

a notification component configured to notify the user concerning the identity of the caller (figure 2), and an answering component configured to send a pre-recorded video greeting to the caller (column 4, lines 40-48; column 5, lines 29-34) and to record a video message comprising the video signal received from the caller in response to the user rejecting the request or not accepting the request within an established time interval (column 4, lines 24-27).

Skarbo does not disclose a system wherein the request comprising a video signal generated by a video camera associated with the caller; wherein notifying comprises displaying the video signal received from the caller on a display device of the interactive system; and

wherein the interactive system is an interactive television system.

Hijikata teaches a system wherein the request comprising a video signal generated by a video camera associated with the caller; wherein notifying comprises displaying the video signal received from the caller on a display device of the interactive system (column 16, lines 51-67).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the video identification taught by Hijikata to the system disclosed by Skarbo. The motivation would have been to enable the callee to identify the caller even when the caller is using a phone number that is used by multiple people.

Skarbo and Hijikata do not disclose a system wherein the interactive system is an interactive television system.

In an analogous art, Caviedes teaches a wherein the interactive system is an interactive television system (column 5, lines 38-41).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the interactive television taught by Caviedes to the system disclosed by Skarbo and Hijikata. The motivation would have been that Skarbo teaches the idea of displaying alternative media on the client devices, of which the users can discuss (column 3, lines 62-67).

Claim 16 is rejected on the same grounds as claim 2.

Claim 19 is rejected on the same grounds as claim 5.

Claim 30 is rejected on the same grounds as claim 15.

Referring to claim 20, Skarbo discloses a system of claim 15, further comprising: a communication component configured to establish two-way video communication between the user and the caller while the video message is being recorded (figure 3).

Referring to claim 21, Skarbo discloses a system of claim 20, wherein recording of the video message continues during the two-way video communication (

Referring to claim 22, Skarbo discloses a system of claim 21, wherein the two-way video communication comprises incoming and outgoing video signals, and wherein the answering component is further configured to store the incoming and outgoing video signals (column 19, lines 1-8).

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Skarbo, Hijikata and Caviedes as applied to claim 16 above, and further in view of Fujimori.

Claim 17 is rejected on the same grounds as claim 3.

Claims 23, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skarbo, Hijikata and Caviedes as applied to claim 20 above, and further in view of Brunelle.

Claim 23 is rejected on the same grounds as claim 9.

Claim 24 is rejected on the same grounds as claim 10.

Claim 25 is rejected on the same grounds as claim 11.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Skarbo, Hijikata and Caviedes as applied to claim 15 above, and further in view of Irvin.

Claim 26 is rejected on the same grounds as claim 15.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art Unit 2623

JS